

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

Mr. Michel Andre Dukes, Sr.,)	C/A No.: 4:20-cv-3375 DCN
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
Clifford L. Welsh; James E. Brown; and)	
Paul LNU,)	
)	
Defendants..)	
_____)	

On November 5, 2020, the Magistrate Judge issued a Report and Recommendation in the above-referenced case, recommending that the case be dismissed without prejudice and without service of process, with the exception of plaintiff's claims against defendant Clifford L. Welsh, which it was recommended that those be dismissed with prejudice as he is immune from suit. Plaintiff filed two motions for extension of time to submit objections to the Report and Recommendation, the most recent being January 4, 2021. The court granted this motion and ordered objections be filed no later than April 2, 2021. On April 8, 2021, this court issued an Order adopting the Magistrate Judge's Report and Recommendation, noting that no objections had been submitted. Judgment was entered in this case by the Clerk of Court on April 9, 2021. On April 19, 2021, the court received plaintiff's objections. Although the prison mail room stamped the envelope as being received on April 15, 2021, plaintiff dated his objections March 31, 2021. In addition, the stamp on the envelope indicates it was printed on March 31, 2021.¹

Now therefore,

¹The court is perplexed as to why there is a discrepancy of more than two weeks between the postage stamp and the mail room stamp.

IT IS HEREWITH ORDERED that this court's Order filed on April 8, 2021, dismissing the case without prejudice and without service of process, and dismissing claims against defendant Welsh with prejudice as he is immune from suit, and the judgment filed on April 9, 2021, are herewith **VACATED**, and this matter is herewith reopened so that the court may consider plaintiff's objections to the Report and Recommendation.

AND IT IS SO ORDERED.



David C. Norton
United States District Judge

April 27, 2021
Charleston, South Carolina